Appl. No. 10/644,270
Amdt. dated July 26, 2007
Reply to Office Action of April 2, 2007

PATENT

REMARKS/ARGUMENTS

Claims 1- 20 are pending in this application. New claims 17-20 have been added.

Best

All the claims were rejected as anticipated by Best (2005/0034147), or obvious in view of Best and Mora (2004/0162882). As noted in the office action, Best describes discriminating between two users using face recognition (par. 0023). Best also describes determining where a user is present, so other users can send an IM, email or voice call (par. 0028).

The claims have been amended to distinguish Best. Independent claims 1 and 11 now set forth "to set forth the status of the user beyond the presence and identity of the user." Best detects whether the user is present, and which user is present. The present invention, as set forth in the claims as amended, goes beyond that. Additional status information is determined and automatically provided. For example, if a phone is detected next to the user's face with a camera, the status can indicate "on the phone" (see par. 0014 of the present application). Best does not show or suggest such a feature. The user can also be present, but busy on other work. Examples of this are the user is reading papers, with the papers being detected from the image (see par. 0014), or the user working on other programs, such as Excel or Word (par. 0060). The limitation added to the claims does not add new matter because this is disclosed, for example, in the above cited paragraphs 0014 and 0060 as well as paragraph 0037.

New claims

The new claims also do not add new matter and distinguish over Best, or the combination of Best and Mora, for additional reasons.

Claim 17 sets forth that the status of the user comprises whether said user is on the phone. As noted, this is shown in par. 0014. This is not shown or suggested by Best, which only tries to identify if the user is present and who the user is. The RFID alternative mentioned in Best also makes clear that this is all Best attempts to do, since and RFID tag merely identifies the user and the user's presence.

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Claim 18 sets forth that the updating is performed only after a user trigger. This is described in par. 0039, where one example is a detected gesture of the user to activate the status reporting feature. This is not shown or suggested by Best or Mora.

Claim 19 sets forth that the multimedia data includes audio data. Thus, for example, the user talking to others on the phone, or talking with others in a meeting, can be detected. (see par. 0014, 0042). This is not shown or suggested by Best or Mora.
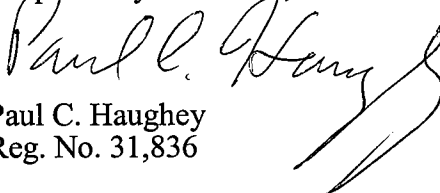
Claim 20 sets forth that the status of the user is indicated as busy if the user is detected to be using a program other than IM or email. This is described in par. 0060, with examples of other programs being Excel or Word. This is not shown or suggested by Best or Mora.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

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